

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GOLDBERG et al.

Serial No.: 09/502,285

Filed: February 11, 2000

Atty. File No.: 3367-2-2

For: "A NETWORKED SYSTEM FOR PRESENTING ADVERTISING"

Group Art Unit: 3713

Examiner: Robert E. Mosser

Miscellaneous Transmittal Regarding MPEP
2001.06(c) Information From Related Litigation - 2000 Duty of Disclosure

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Examiner:

As per MPEP 2001.06(c), Applicant's representative provides the Examiner with an additional document that may be considered pertinent to patentability. This document is provided in the Information Disclosure Statement (Reference No. 4) filed concurrently herewith. This document was obtained from counsel of a defendant (the New York Times) in a current patent infringement proceeding, wherein the claims asserted are directed to network advertising, and the patents being asserted have substantially the same (or identical) specification to the present application. Note, that the alleged prior art references cited in Reference No. 4 were previously provided in an IDS. However, for the Examiner's convenience, these references are provided again here in DOCUMENT COLLECTION 2.

To the best of Applicant's representative's knowledge, all prior art cited by a defendant as well as arguments for the invalidity of claims has been submitted for consideration. Please consider the assertions made by opposing counsel in Reference No. 4 when determining the patentability of the present application.

Note, that it is believed the assertions regarding the invalidity of Claim 53 of U.S. Patent 6,712,702 made by counsel for the New York Times is incorrect, and Applicant's representative will submit, upon request by the Examiner an analysis demonstrating support for Claim 53 in U.S. Provisional Patent Application Serial No. 60/010,703 filed Jan. 26, 1996 if such submittal will assist the Examiner in determining the patentability of the presently pending claims.

If the Examiner has any questions, please contact the undersigned by phone.

Respectfully submitted,

By: 

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Date: January 2, 2008